UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,375	12/20/2001	Haruo Machida	35.C16039	7735

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EXAMINER
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ART UNIT	PAPER NUMBER
2193	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/022,375	MACHIDA, HARUO
	Examiner	Art Unit	
	Insun Kang	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 April 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>55, 58-60, 63-65 and 68-70</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>55, 58-60, 63-65, and 68-70</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the RCE amendment filed on 4/27/2007.

2.   As per applicant's request, claims 56, 57, 61, 62, 66, and 67 have been cancelled and

claims 55, 59, 60, 65, and 70 have been amended. Claims 55, 58-60, 63-65, and 68-70 are

pending in the application.

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Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions
> and requirements of this title.

4.   Claims 65, 68, and 69 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

Claims 65, 68, and 69 are non-statutory because they are directed to a "computer program

product" without recitation of a computer or a computer-readable medium embodying the

claimed control program. The claimed product is disembodied arrangement so as to be called a

"computer program" or compilation of facts, information, or data *per se*, without creating any

functional interrelationship, either as part of the stored data or as part of the computing processes

performed by the computer ("acts") or the computer readable medium so as to enable the

computer to perform the claimed steps of the control program. Since a computer program is

merely a set of instructions capable of being executed by a computer, the program itself is not a

process, without the computer or the computer-readable medium needed to realize the program's

functionality. In contrast, a computer-readable medium encoded with a program defines

structural and functional interrelationships between the program and the medium which permits

the program's functionality to be realized, and is thus statutory. Therefore, the claims are non-

statutory.

The following link on the World Wide Web is for the United States Patent And

Trademark Office (USPTO) policy on 35 U.S.C. §101. The following link on the World Wide

Web is for the United States Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101.

<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf>

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 55, 58-60, 63-65, and 68-70 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Gase et al. (US Patent 5,580,177) hereafter Gase.

Per claim 55:

Gase discloses:

-determining means for determining a plurality of client apparatuses on which a driver is

to be set up; (i.e. "If decision box 76 indicates that the printer drivers match, printer utility 24

requests status information from the printer to be connected," col. 6 lines 18-20; see Fig 1;

"client processors...are connected, via...network...to a file server...plurality of printers," col. 3

lines 1-15) and transmission controlling means for controlling operations to transmit to each of

the plurality of client apparatuses determined by said determining means a set-up instruction to

set up a driver for that client apparatus (i.e. "an updated printer driver…is down-loaded into the

client processor from printer/driver library," col. 6 lines 5-17; "storing a most updated printer

driver procedure for each printer type," col. 2 lines 40-55) and a test printing instruction to have

the client apparatus execute test printing to check if the driver set-up for the client apparatus has

been completed, via the network,(i.e. printer status information gathered from the file server, col.

4 lines 66-67; col. 5 lines 1-31, 35-57; "printing test page," col. 5 lines 52-53).

Gase discloses printing a test page (i.e. col. 5 lines 52-53) but does not explicitly teach

that the test page printed in the test printing at a printer corresponding to the set up driver

includes identification information of the plurality of client apparatuses. However, Gase gathers

the printer/driver information associated a specific client (i.e. col. 4 lines 35-67; col. 3 lines 50-

67; "printing test page," col. 5 lines 52-53). It would have been obvious for one having ordinary

skill in the art to modify Gase's disclosed system to add, in a test page, some useful information

for a user such as client identification information, test print request source, and print server

name etc. The modification would be obvious because one having ordinary skill in the art would

be motivated to provide any useful information associated with the driver set up to ensure

correctness of the setup.

Per claim 58:

The rejection of claim 55 is incorporated, and further, Gase discloses printing a test page

(i.e. col. 5 lines 52-53) but does not explicitly teach that the test page printed in the test printing

at a printer a test print request source. However, Gase gathers the printer/driver information

associated a specific client (i.e. col. 4 lines 35-67; col. 3 lines 50-67; "printing test page," col. 5 lines 52-53). It would have been obvious for one having ordinary skill in the art to modify Gase's disclosed system to add, in a test page, a test print request source for a user. The modification would be obvious because one having ordinary skill in the art would be motivated to ensure the correctness of the test print request source.

Per claim 59:

The rejection of claim 55 is incorporated, and further, Gase discloses printing a test page (i.e. col. 5 lines 52-53) but does not explicitly teach that the test page printed in the test printing at a printer corresponding to the set up driver includes a name of a print server used in executing the test printing. However, Gase gathers the printer/driver information associated a specific client (i.e. col. 4 lines 35-67; col. 3 lines 50-67; "printing test page," col. 5 lines 52-53). It would have been obvious for one having ordinary skill in the art to modify Gase's disclosed system to add, in a test page, the print server name etc. The modification would be obvious because one having ordinary skill in the art would be motivated to ensure the correctness of the print server associated with the driver set up.

Per claims 60, 63, and 64, they are the method versions of claims 55, 58, and 59, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 55, 58, and 59 above.

Per claims 65, 68, and 69, they are the product versions of claims 55, 58, and 59, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 55, 58, and 59 above.

Per claim 70, it is the computer-readable storage medium version of any one of claims 65, 68, and 69, respectively, and is rejected for the same reasons set forth in connection with the rejection of any one of claims 65, 68, and 69 above.

Response to Arguments

7.   Applicant's arguments with respect to claims 55, 58-60, 63-65, and 68-70 have been considered but are moot in view of the new ground(s) of rejection.

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 571-272-3724. The examiner can normally be reached on M-R 6:30-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MENG AI AN can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from

a USPTO Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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